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Bill Number: HB 113

Position: Unfavorable

WRITTEN TESTIMONY OF THE MARYLAND STATE'S ATTORNEYS'
ASSOCIATION IN OPPOSITION TO HOUSE BILL 113
CRIMINAL PROCEDURE – EXPUNGEMENT-RESISTING ARREST AND MAKING A
FALSE STATEMENT TO A LAW ENFORCEMENT OFFICER

The Maryland States Attorneys Association is opposed to House Bill 113 Criminal Procedure-Expungement- Resisting Arrest and Making a False Statement to a Law Enforcement Officer and asks for an unfavorable report.

In 2016, the Maryland Legislature embarked on a mission and project which became the Justice Reinvestment Act. Included within this extensive package aimed at addressing the criminal justice system, as it existed, was a major change and expansion of expungement availability for those intent on first paying their debt to society but then intent on making a future for themselves without the constraint of a criminal record. In doing so, however, the Legislature was cognizant of and created statutes which still required some accountability and protection of society. In 2023 the General Assembly lowered the waiting period even more than previously established. Despite the painstaking efforts of the General Assembly to carefully consider all criminal offenses and include those by which it has been determined deserve consideration for expungement, there have been a few occasions where additional eligible offenses have been added.

The addition of these offenses, however, should not occur. The crime of Resisting Arrest presumably on most occasions involves a violent act or some act utilizing force to prevent a police officer from carrying out their lawful obligation to place an individual under arrest. To have been convicted of this offense it has to have been determined that there was no justification for their act or acts. It is very important that the public and law enforcement know that a particular individual is one who made a prior affirmative decision to resist a lawful arrest. The crime of making a False Statement to a Law Enforcement Officer is even more disconcerting to propose erasing such a crime from an individual's record. To commit this crime, one must have made an affirmative decision to lie to the police (presumably about another person) in order to cause an investigation or other action to be taken by the police. This can easily result in the

charging and/or arrest of an innocent person. The offense also includes providing false information about identity to the police when a person is arrested. This has often resulted in a different person being charged with the crime committed by the offender and very possible adverse actions taken against that innocent person. The public, the police and a judicial authority ought to be allowed to know that an individual has previously lied and caused an innocent person to be unjustly accused of a crime.

There are a long list of crimes which can be expunged even from guilty findings. These should not be included within them. We request an unfavorable report.